the agreement of all parties to the use of this procedure.

(1) The settlement judge shall convene and preside over conferences and settlement negotiations between the parties, assess the practicalities of a potential settlement, and report to the chief, deputy, or associate the status of settlement negotiations, recommending continuation or termination of the settlement negotiations. Where feasible settlement conferences shall be held in person.

(2) The settlement judge may require that the attorney or other representative for each party be present at settlement conferences and that the parties or agents with full settlement authority also be present or available by telephone.

(3) Participation of the settlement judge shall terminate upon the order of the chief, deputy, or associates issued after consultation with the settlement judge. The conduct of settlement negotiations shall not unduly delay the hearing.

(4) All discussions between the parties and the settlement judge shall be confidential. The settlement judge shall not discuss any aspect of the case with the trial judge, and no evidence regarding statements, conduct, offers of settlement, and concessions of the parties made in proceedings before the settlement judge shall be admissible in any proceeding before the Board, except by stipulation of the parties. Documents disclosed in the settlement process may not be used in litigation unless voluntarily produced or obtained pursuant to subpoena.

(5) No decision of a chief, deputy, or associate concerning the assignment of a settlement judge or the termination of a settlement judge's assignment shall be appealable to the Board.

(6) Any settlement reached under the auspices of a settlement judge shall be subject to approval in accordance with the provisions of § 101.9 of the Board's Statements of Procedure.

3. Section 102.42 is revised to read as follows:

§ 102.42 Filings of briefs and proposed findings with the administrative law judge and oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which may include presentation of proposed findings and conclusions, and shall be included in the stenographic report of the hearing. In the discretion of the administrative law judge, any party may, upon request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge, who may fix a reasonable time for such filing, but not in excess of 35 days from the close of the hearing. Requests for further extensions of time shall be made to the chief administrative law judge in Washington, D.C., to the deputy chief judge in San Francisco, California, to the associate chief judge in New York, New York, or to the associate chief judge in Atlanta, Georgia, as the case may be. Notice of the request for any extension shall be immediately served on all other parties, and proof of service shall be furnished. Three copies of the brief or proposed findings and conclusions shall be filed with the administrative law judge, and copies shall be served on the other parties, and a statement of such service shall be furnished. In any case in which the administrative law judge believes that written briefs or proposed findings of fact and conclusions may not be necessary, he or she shall notify the parties at the opening of the hearing or as soon thereafter as practicable that he or she may wish to hear oral argument in lieu of briefs.

4. In § 102.45, paragraph (a) is revised to read as follows:

§ 102.45 Administrative law judge's decision; contents; service; transfer of case to the Board; contents of record in case.

(a) After hearing for the purpose of taking evidence upon a complaint, the administrative law judge shall prepare a decision. Such decision shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record, and shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the policies of the Act. The administrative law judge shall file the original of his decision with the Board and cause a copy thereof to be served on each of the parties. If the administrative law judge delivers a bench decision, promptly upon receiving the transcript the judge shall certify the accuracy of the pages of the transcript containing the decision; file with the Board a certified copy of those pages, together with any supplementary matter the judge may deem necessary to complete the decision; and cause a copy thereof to be served on each of the parties. Upon the filing of the decision, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, on all the parties. Service of the administrative law judge's decision and of the order transferring the case to the Board shall be complete upon mailing.

* * * * *

Dated, Washington, D.C., February 16, 1996.

By direction of the Board:[3]

John J. Toner,

Executive Secretary.

Dissenting Opinion of Member Cohen

I agree with the rule concerning settlement judges. However, I do not agree with the rule which gives judges the power to issue bench decisions and the related power to preclude written briefs.

In my dissent from the promulgation of the experimental rule (a dissent joined by former Member Stephens), I set forth Board law which holds that bench decisions are contrary to the provisions of Section 10(c) of the Act.[4] My colleagues, in apparent recognition of this fact, chose to summarily overrule that Board law. However, as I noted in my dissent, if Section 10(c) forbids bench decisions, the Board is without statutory power to establish a rule which permits such decisions.[5]

My colleagues have not answered this threshold problem. Further, even if they were to do so (to their satisfaction), that does not end the matter. The issue will undoubtedly be the subject of litigation in the federal courts, delaying the prompt enforcement of Board orders. Thus, the rule is at cross-purposes with its stated goal—the prompt resolution of unfair labor practice cases. Further, in my prior dissent, I set forth other concerns about the rule. At this juncture, I cannot say with certainty whether these concerns have been borne out by experience. During the experimental time frame, there have been only 10 bench decisions out of the 400 decisions issued (2.5%). However, that very paucity of decisions bespeaks an important point. Our judges, to their credit, have exercised prudent restraint in exercising the power to issue bench decisions. Accordingly, for the most part, problems have not surfaced.[6] As long as such restraint is exercised, my concerns may well be allayed. I am hopeful, and cautiously optimistic, that this will be the case.

* * * * *

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[3] Chairman Gould and Members Browning and Fox; Member Cohen dissenting in part. Member Cohen's partial dissent is attached.

[4] *Plastic Film Products Corp.*, 232 NLRB 722 (1977); *Local Union No. 195*, 237 NLRB 931 (1978).

[5] See *Chevron U.S.A. v. Natural Resources Defense Council*, 467 U.S. 837, 842, 843 (1984).

[6] However, there was a substantial problem, in my view, in *Kinco*, 319 NLRB No. 56.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 187

[CGD 89–050]

RIN 2115–AD35

Vessel Identification System; Effective Date Change

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule: change in effective date.

SUMMARY: On April 25, 1995, the Coast Guard published an interim final rule in the Federal Register (60 FR 20310) for establishing a vessel identification system and prescribing guidelines for State vessel titling systems. The effective date of the interim final rule was April 24, 1996. This document suspends the effective date of the guidelines for the State vessel titling systems for a period of two years.

EFFECTIVE DATES: This document is effective February 23, 1996. 33 CFR part 187, subpart D, is suspended through April 23, 1998. All other provisions of the interim final rule will become effective on April 24, 1996, as stated in the interim final rule.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Richard Ferraro, Project Manager, Information Resources Division (G–MIR–3), Office of Marine Safety, Security and Environmental Protection, (202) 267–0386, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: One provision of the interim final rule prescribes the procedures for obtaining certification of compliance with guidelines for State vessel titling systems. Many comments pointed out that compliance of the States with these guidelines may create undue hardship upon the marine industry where titling, vessel documentation, mortgage recording, and lending institutions are concerned. The delay in the effective date until April 24, 1998, was deemed necessary in order to allow the Coast Guard, States, and the public time to further review the complexities of the State titling guideline issues identified during review of the comments received regarding this interim final rule. A delay of two years should provide sufficient time to complete the rulemaking on vessel titling guidelines.

All other provisions of the interim final rule will become effective on April 24, 1996.

Accordingly, under the authority of 46 U.S.C. 2103; 49 CFR 1.46, 33 CFR part 187, subpart D is suspended effective February 23, 1996 through April 23, 1998.

Dated: February 14, 1996.

Joseph H. Angelo,

Director for Standards, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 96–3895 Filed 2–22–96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024–AC31

Denali National Park and Preserve, Alaska

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is publishing final regulations for Denali National Park, Alaska, that will require mountain climbers to register a minimum of 60 days before any climb on Mount McKinley and Mount Foraker. Mountaineering in the park has increased dramatically over the last ten years and climbing-related injuries and deaths have correspondingly increased. By requiring advance registration, the Denali park staff will be able to provide information to prospective mountaineers in advance of their climb. This may include information on the specific dangers they may face, how to prepare and equip, other safety related issues, and requirements concerning resource protection issues such as litter removal and human waste disposal. Currently, climbers are required to register, but may do so as late as the day they depart for the mountain.

EFFECTIVE DATE: This final rule becomes effective on March 25, 1996.

ADDRESSES: Comments should be addressed to: Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali National Park, AK 99755.

FOR FURTHER INFORMATION CONTACT: Steve Martin, Superintendent, Denali National Park and Preserve. Telephone 907–683–2294.

SUPPLEMENTARY INFORMATION:

Background

Denali National Park was first established as Mt. McKinley National Park on February 26, 1917. A separate Denali National Monument was proclaimed on December 1, 1978. These two park areas were combined, reconfigured and established as Denali National Park and Preserve on December 2, 1980, encompassing approximately 6.5 million acres. Prior to achieving its current configuration, the land the park now encompasses was recognized for its unique ecological value and designated an International Biosphere Reserve in 1976. That designation has since been expanded to encompass the entire 6.5 million acre park and preserve. The park contains North America's highest mountain, 20,320 foot Mount McKinley. Mount Foraker, at 17,400 feet, and numerous large glaciers of the Alaska Range are also a part of this park's subarctic ecosystem. Wildlife includes caribou, Dall sheep, moose, grizzly bears and wolves.

The first ascent of Mount McKinley occurred in 1913. Climbing continued to be a popular activity, although on a small scale, after the park was established. However, during the last ten years, mountaineering in the park has increased dramatically. The number of Mount McKinley climbers has risen from 695 in 1984 to 1277 in 1994 and 1,220 in 1995. With the numbers of climbers increasing, the number of accidents, rescues and resource-related problems have also increased. Since 1932, a total of 85 mountaineers have perished on the slopes of Mount McKinley; 28 percent of these deaths (24) have occurred since 1990. Recent years have also seen an increase in climbing-related deaths on Mount Foraker and the other Alaska Range peaks located in the park. In 1990, eight mountaineers were rescued on Mount McKinley. In sharp contrast, the number of mountaineers rescued increased to 28 in 1992, 27 in 1994 and 21 in 1995. Studies by the NPS showed that the major reason climbers got into trouble on the mountain and required rescue was their unfamiliarity with the hazards unique to Mount McKinley. Specifically, extreme weather conditions, weather changeability and the other hazards associated with climbing in such northerly latitudes caught the climbers unprepared. The NPS determined that climbers need better education and information prior to their climbs and that an appropriate time frame was necessary to convey this information to the climbing community. Climbers from 38 countries registered to climb Mount McKinley in 1995. With so many climbers seeking permits, adequate lead time required to fulfill the requests lengthens. The 60 day pre-registration period will provide sufficient opportunity for the Denali park staff to provide the necessary information to prospective